

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHRYN MCGARRIGLE	:	CIVIL ACTION
	:	
v.	:	NO. 22-4713
	:	
CRISTO REY PHILADELPHIA HIGH	:	
SCHOOL	:	

ORDER

AND NOW, this 17th day of April 2023, upon considering Defendant's Motion to dismiss (ECF Doc. No. 8), Plaintiff's Opposition (ECF Doc. No. 9), and for reasons in today's accompanying Memorandum, it is **ORDERED** Defendant's Motion (ECF Doc. No. 8) is **GRANTED in part** and **DENIED in part**:

1. We **dismiss** Plaintiff's race discrimination claim under 42 U.S.C. § 1981, the discrimination and retaliation claims under the Family and Medical Leave Act, and the Title VII and Philadelphia Fair Practices Ordinance discrimination claims without prejudice to Plaintiff to timely amending her complaint if she can do so consistent with Rule 11 and our scheduling Order entered after our initial pretrial conference; and,

2. Plaintiff may proceed on her retaliation claims under Title VII, section 1981, the Age Discrimination in Employment Act, and the Philadelphia Fair Practices Ordinance and her discrimination claim under the Age Discrimination in Employment Act and Philadelphia Fair Practices Ordinance requiring Defendant file an Answer to these claims no later than **May 1, 2023**.



KEARNEY, J.